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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 6858 of 2007

PETITIONER

Panna Lal Sahu, aged about 25 years, s/o Ram Jatan Sahu, r/o village Mahora, Post Patna, Tahsil Baikunthpur, Distt. Korla (C.G)

Versus

RESPONDENTS

- 1 State of Chhattisgarh, through the Secretary, Panchayat & Rural Development Department, D.K.S. Bhawan, Raipur (C.G)
2. Chief Executive Officer, Jila Panchayat, Korla, Baikunthpur (C.G).
3. The Collector, Korla (C.G).
4. The Commissioner, Rojgar Guarantee Vikas, Aayukt, Civil Lines, Raipur (C.G)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri D.N. Prajapati, counsel for the petitioner.

Shri Ajay Dwivedi, P.L. appears for the State/ respondents on advance copy.

ORAL ORDER
(20.11.2007)

SUNIL KUMAR SINHA, J.

Heard.

This is the second writ petition filed by the petitioner. The earlier writ petition was filed vide W.P.(S). No.5071/2007, which was withdrawn by the petitioner, with liberty to file a subsequent petition if such an exigency arises in future.

Learned counsel for the petitioner argues that the petitioner was appointed on contract basis by order dated 06.10.2005 Annexure P-3. This appointment was for a period of one year. Thereafter, by another order dated 11.10.2006 (Annexure P-4),

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petitioner was again appointed on contract basis for a period of one year that is from 14.10.2006 to 13.10.2007. He submits that thereafter the impugned order dated 29.6.2007 Annexure P-1 has been passed and the contract appointment of the petitioner has been terminated on the ground that in the new set-up, less posts were made available to the concerned Zila Panchayat.

Admittedly, the appointment of the petitioner was made against a vacant post and it continued till the post was available and as soon as the post became non-available the aforesaid order has been passed. Therefore, no illegality can be attributed to the action taken by the concerned authority because the contract of the petitioner has been terminated for want of availability of the post. The petition has no merits. The same is liable to be dismissed and it is accordingly dismissed.

However, it is observed that in future ^{if &} the post of peon is available in the concerned establishment and the process of appointment takes place, the petitioner shall be free to offer his candidature ^{for} on support of his previous experience for the said post and his case shall be dealt with by the concerned authorities, in accordance with law.

Sd/-
Sunil Kumar Sinha
Judge

[Rao]